

2005

Utah v. Keele : Brief of Appellee

Utah Court of Appeals

Follow this and additional works at: https://digitalcommons.law.byu.edu/byu_ca2



Part of the [Law Commons](#)

Original Brief Submitted to the Utah Court of Appeals; digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, Brigham Young University, Provo, Utah; machine-generated OCR, may contain errors.

Jeanne B. Inouye; Assistant Attorney General; Mark L. Shurtleff; Utah Attorney General; Kenneth R. Updegrove; Attorney for Appellee.

John Pace; Salt Lake Legal Defender Association; Attorney for Appellant.

Recommended Citation

Brief of Appellee, *Utah v. Keele*, No. 20050154 (Utah Court of Appeals, 2005).

https://digitalcommons.law.byu.edu/byu_ca2/5601

This Brief of Appellee is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Court of Appeals Briefs by an authorized administrator of BYU Law Digital Commons. Policies regarding these Utah briefs are available at

http://digitalcommons.law.byu.edu/utah_court_briefs/policies.html. Please contact the Repository Manager at hunterlawlibrary@byu.edu with questions or feedback.

IN THE UTAH COURT OF APPEALS

STATE OF UTAH, :
Plaintiff/Appellee, :
v. : Case No. 20050154-CA
CHRISTI KEELE, :
Defendant/Appellant.

BRIEF OF APPELLEE

APPEAL FROM THE DENIAL OF A MOTION TO TERMINATE
RESTITUTION IMPOSED UPON GUILTY PLEAS TO TWO COUNTS
OF FORGERY, IN THE THIRD JUDICIAL DISTRICT, SALT LAKE
COUNTY, THE HONORABLE JOHN PAUL KENNEDY PRESIDING

JOHN PACE
Salt Lake Legal Defender Association
425 East 400 South, Suite 300
Salt Lake City, UT 84111

Counsel for Appellant

JEANNE B. INOUE (1618)
Assistant Attorney General
MARK L. SHURTLEFF (4666)
Attorney General
Utah Attorney General's Office
160 East 300 South
PO BOX 140854
Salt Lake City, UT 84114-0854

KENNETH R. UPDEGROVE
Deputy Salt Lake District Attorney

Counsel for Appellee

ORAL ARGUMENT NOT REQUESTED

IN THE UTAH COURT OF APPEALS

STATE OF UTAH, :
Plaintiff/Appellee, :
v. : Case No. 20050154-CA
CHRISTI KEELE, :
Defendant/Appellant.

BRIEF OF APPELLEE

APPEAL FROM THE DENIAL OF A MOTION TO TERMINATE
RESTITUTION IMPOSED UPON GUILTY PLEAS TO TWO COUNTS
OF FORGERY, IN THE THIRD JUDICIAL DISTRICT, SALT LAKE
COUNTY, THE HONORABLE JOHN PAUL KENNEDY PRESIDING

JOHN PACE
Salt Lake Legal Defender Association
425 East 400 South, Suite 300
Salt Lake City, UT 84111

Counsel for Appellant

JEANNE B. INOUE (1618)
Assistant Attorney General
MARK L. SHURTLEFF (4666)
Attorney General
Utah Attorney General's Office
160 East 300 South
PO BOX 140854
Salt Lake City, UT 84114-0854

KENNETH R. UPDEGROVE
Deputy Salt Lake District Attorney

Counsel for Appellee

ORAL ARGUMENT NOT REQUESTED

TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES.....	ii
JURISDICTION AND NATURE OF THE PROCEEDINGS.....	1
ISSUES ON APPEAL AND STANDARDS OF REVIEW.....	1
CONSTITUTIONAL PROVISIONS, STATUTES, AND RULES.....	2
STATEMENT OF THE CASE.....	2
STATEMENT OF THE FACTS	6
SUMMARY OF ARGUMENT	7
ARGUMENT.....	7
I. THIS COURT SHOULD REJECT DEFENDANT’S CHALLENGE TO THE 1995/1996 RESTITUTION ORDER BECAUSE HER CHALLENGE IS UNTIMELY AND BECAUSE THE ORDER RESTED ON CONDUCT FOR WHICH DEFENDANT AGREED TO PAY RESTITUTION AS PART OF HER PLEA AGREEMENT	10
A. Defendant waived her right to a restitution hearing and her right to challenge the restitution amount.....	11
B. The 1995 restitution order and its 1996 modification were proper.....	13
II. THE TRIAL COURT PROPERLY EXERCISED ITS DISCRETION WHEN IT DENIED DEFENDANT’S 2004 MOTIONS TO TERMINATE RESTITUTION.....	19
CONCLUSION.....	22
ADDENDA	
Addendum A — Utah Code Ann. § 76-3-201 (1995)	
Addendum B — District Court Docket (951901411)	
Addendum C — District Court Docket (951901412)	
Addendum D — District Court Docket (951901413)	

TABLE OF AUTHORITIES

STATE CASES

<i>Jackson v. State</i> , 530 So.2d 900 (Ala. Crim. App. 1988).....	13, 14
<i>James v. Galetka</i> , 965 P.2d 567 (Utah App. 1998)	13
<i>State v. Allen</i> , 2000 UT App 340, 15 P.3d 110.....	10, 11
<i>State v. Bickley</i> , 2002 UT App 342, 60 P.3d 582	2
<i>State v. Corbitt</i> , 2003 UT App 417, 82 P.3d 211.....	20, 22
<i>State v. Dickey</i> , 841 P.2d 1203 (Utah App. 1992).....	9
<i>State v. Gerrard</i> , 584 P.2d 885 (Utah 1978).....	20, 22
<i>State v. Larsen</i> , 876 P.2d 391 (Utah App. 1994).....	9
<i>State v. Mast</i> , 2001 UT App 402, 40 P.3d 1143	20
<i>State v. Nones</i> , 2000 UT App 211, 11 P.3d 709	9, 10
<i>State v. Snyder</i> , 747 P.2d 417 (Utah 1987).....	9, 12
<i>State v. Verikokides</i> , 925 P.2d 1255 (Utah 1996).....	19, 20
<i>State v. Weeks</i> , 2000 UT App 273, 12 P.3d 110, <i>aff'd on other grounds</i> , 2002 UT 98, 61 P.3d 1000.....	9, 12

STATE STATUTES

Utah Code Ann. § 64-13-20 (1995).....	9
Utah Code Ann. § 76-3-201 (1995).....	passim
Utah Code Ann. § 76-3-201 (West 2004).....	passim
Utah Code Ann. § 76-6-501 (West 2004).....	2
Utah Code Ann. § 76-6-502 (West 2004).....	2
Utah Code Ann. § 77-38a-302 (West 2004).....	8
Utah Code Ann. § 78-2a-3 (West 2004).....	1

IN THE UTAH COURT OF APPEALS

STATE OF UTAH, :
Plaintiff/Appellee, :
v. : Case No. 20050154-CA
CHRISTI KEELE, :
Defendant/Appellant.

BRIEF OF APPELLEE

JURISDICTION AND NATURE OF THE PROCEEDINGS

Defendant appeals from the denial of her motion to terminate restitution imposed upon her guilty pleas to two counts of forgery, in the Third Judicial District, Salt Lake County, the Honorable John Paul Kennedy presiding. This Court has jurisdiction over the appeal under Utah Code Ann. § 78-2a-3(2)(e) (West 2004).

ISSUES ON APPEAL AND STANDARDS OF REVIEW

1. In 1995 the trial court entered judgment, ordering that defendant pay restitution in an amount to be determined by Adult Probation and Parole (AP&P). In 1996, AP&P prepared and presented to defendant a document showing her obligation to pay restitution of \$17,319.44. In 1997, defense counsel appeared at a probation review hearing. Neither defendant nor counsel filed an objection to the amount of restitution or requested a restitution hearing. Did defendant waive her right to challenge the restitution calculation by failing to timely challenge the amount or to timely request a restitution hearing?

Standard of review. No standard of review applies.

2. If defendant has not waived her right to challenge the 1995/1996 restitution order, was the original restitution order, including the \$17,319.44 calculation, based on conduct for which defendant agreed to pay restitution as part of her plea agreement?

3. Did the trial court properly exercise its discretion when, in 2005, it denied defendant's 2004 motions to terminate restitution?

Standard of Review. This Court “will not disturb a trial court’s restitution order unless it exceeds that prescribed by law or [unless the court] otherwise abused its discretion.” *State v. Bickley*, 2002 UT App 342, ¶ 5, 60 P.3d 582 (additional quotation marks and citation omitted). However, the Court will “review a trial court’s interpretation of restitution statutes for correctness.” *Id.*

CONSTITUTIONAL PROVISIONS, STATUTES, AND RULES

The following relevant statute is reproduced in **Addendum A**:

Utah Code Ann. § 76-3-201 (1995).

STATEMENT OF THE CASE

Defendant was charged by information with two counts of forgery, a third degree felony in violation of Utah Code Ann. § 76-6-501 (West 2004), and with three counts of possession of a forged check, a class A misdemeanor in violation of Utah Code Ann. § 76-6-502 (West 2004). R3-6; *see also* District Court Docket (951901411), attached as **Addendum B**. On October 30, 1995, defendant pled guilty to the two forgery counts. R40-41. The State agreed to dismiss the three misdemeanor counts. *Id.* The State agreed to dismiss two other cases. R32. One of the dismissed cases (951901412) charged forgery and theft by receiving stolen property. *See* District Court Docket

(951901412), attached as **Addendum C**. The other dismissed case (951901413) charged possession of a controlled substance and possession of drug paraphernalia. *See* District Court Docket (951901413), attached as **Addendum D**. The State further agreed not to file additional charges on criminal activity prior to July 13, 1995. R32. In exchange, defendant “agree[d] to restitution on all cases.” *Id.*

On December 11, 1995, the district court imposed judgment. R45. The court ordered defendant to serve a prison term of zero to five years and to pay a fine of \$5000. *Id.* The court granted a stay of the prison sentence and fine and placed defendant on probation for 36 months, pursuant to various conditions. *Id.* As one of the conditions, the court ordered that defendant pay restitution in an amount to be determined by AP&P. R46.

On April 25, 1996, AP&P filed a progress/violation report. R48. The report indicated that defendant had been placed on probation on December 11, 1995, and ordered to pay restitution “in an amount to be determined.” *Id.* After later receiving a letter and documentation from Smith’s grocery stores, AP&P calculated restitution at \$17,319.44. R152. On October 17, 1996, AP&P agent Glade Anderson, defendant’s probation officer, informed defendant of the amount. R152; *see also* R171:16. Defendant told him that she believed that the amount was excessive. R152. He advised her “to contact her attorney and attempt to settle the amount through a hearing.” R171:16; *see also* R152.

Almost a year later, on August 11, 1997, the trial court held a probation review hearing. R65. Defense counsel, Ralph Dellapiana, appeared. *Id.* At this hearing, the

court ordered that, although defendant was living in Idaho, AP&P, rather than Idaho authorities, supervise her probation. *Id.* Defense counsel did not raise the issue of restitution, challenge the amount, or request a restitution hearing. *See id.*

On December 15, 1997, AP&P filed another progress/violation report. R66. The document listed the conditions of defendant's "thirty-six months of supervised probation," including the requirement that she [p]ay restitution in the amount of \$17,319.44. R66. AP&P noted that the court had ordered defendant to continue restitution and had ordered AP&P to continue supervision. R66-67. AP&P indicated that defendant's living in Idaho was "a violation of the interstate compact agreement" and was "causing some problems." R67. AP&P therefore recommended that "due to the Defendant's compliance in this case, the restitution be transferred to a civil judgment and Adult Probation and Parole successfully terminate their interest." R67. Below the recommendation, the document carried a form that allowed the trial court judge to approve and order the recommended action or to deny it. *Id.* The trial judge signed the approval and order on December 15, 1997. *Id.*

The next item in the record is a letter from defendant to the district court judge, filed May 13, 1999, in which defendant stated that as of February 1999 she owed \$16,014.14. R68. Defendant, complained, however, that "GC Services, a collection agency from the state," had been adding interest and fees to her account and that, despite her payments, she now owed \$19,897.12. R68-69. She asked the judge to "recall [her] restitution account." R69.

On June 11, 1999, the court held a hearing on the matter and granted defendant's motion "that restitution be returned from collections and be monit[o]red by AP&P."

R73. The court also ordered that defendant "pay the restitution before paying the balance of the Court fine." R74. On July 20, 1999, the court rescinded that order, stating that "[a]fter further examination, the Court is unable to retake supervision of further fine payments. Supervision will remain with GC services." R75. A copy of the order was sent to defendant at her Idaho address and to her attorney at his Salt Lake City address. R76.

The next entry in the record is defendant's June 29, 2004 pro se motion to terminate restitution. R77. The State opposed the motion, arguing, among other things, that "the restitution in this case has been sent to the State Office of Debt Collections and the Court no longer has jurisdiction over the matter." R87. On August 16, 2004, Ralph Dellapiana appeared for defendant at a hearing on the motion. R92. Defendant has not filed a transcript of that hearing. On September 10, 2004, Mr. Dellapiana filed an amended motion to terminate restitution. R94. On October 6, 2004, the trial court held another hearing on the motion. R143. Defendant has not filed a transcript of that hearing. At one of the two hearings, Judge Deno Himonas apparently ruled that the trial court had jurisdiction to hear defendant's motion and set the matter for hearing. *See* R171:46, 52.

The case was then transferred to Judge John Paul Kennedy, who continued the matter and ordered counsel to obtain records from AP&P and State Debt Collections prior to the hearing. R145. At the January 26, 2005 hearing, the court took testimony,

reviewed records, and heard counsel's argument. *See* R171. The court found that defendant owed \$16,014.14, but credited her with \$4630 for amounts paid, leaving a balance owing of \$11,384.14. R148. The court ordered her to pay that amount plus recoupment, but cancelled her fine. *Id.* The court ruled that defendant need not pay any interest if she paid at least \$100 per month toward her restitution obligation, but that she would be required to pay interest if she paid at a lower rate. *Id.* The court ordered AP&P to monitor the payments, but ordered that the payments go to State Debt Collections. *Id.* The court instructed the prosecutor to prepare the order. *Id.*

On February 7, 2005, the trial court entered findings of fact and conclusions of law on defendant's motion to terminate. R151-57. The court denied the motion to terminate, but modified the restitution order to reflect a balance of \$11,384.14. R155-56. Defendant timely appealed the denial of the motion to terminate. R158.

STATEMENT OF THE FACTS

Defendant presented forged checks to employees of Smith's Food King grocery stores. The forged checks included one purporting to be a payroll check issued by Clearwater Trucking and one purporting to be signed by Kandi Thurman, both payable to defendant. R5. She also possessed other checks purporting to be issued by Clearwater Trucking and payable to her. *Id.* Defendant, in fact, passed so many forged checks that Smith's returned checks department indicated "it would take them 'some time' to gather all of the information" relative to the losses defendant had caused Smith's. R47 (PSI) at 4. Eventually, the losses defendant caused Smith's were calculated at \$17,319.44, based on documentation from Smith's returned check department. R66, 152. The amount

included “\$15,039.44 without service fees,” apparently the value of forged checks defendant passed at Smith’s, and “\$17,319.44 when service fees were included.” R152.

SUMMARY OF ARGUMENT

This Court should deny defendant’s challenge to the 1995 restitution order, including any claims that the order was improperly based on conduct for which defendant had not admitted responsibility or that the order was improperly calculated. Defendant waived her right to a restitution hearing and her right to challenge the amount of restitution when she did not timely request a hearing or file an objection. In any case, the 1995 restitution order and its 1996 modification were properly based on both conduct for which defendant admitted responsibility *and* conduct for which she agreed to make restitution as part of her plea agreement.

Further, the trial court properly exercised its discretion in 2005 when it denied defendant’s 2004 motions to terminate restitution. It cannot be said that no reasonable person would have taken the view taken by the trial court. Another jurist, in fact, might have entered a ruling far less favorable to defendant.

ARGUMENT

Defendant challenges both the trial court’s 1995 restitution order and its 2005 denial of her motions to terminate restitution. *See* Br. Appellant at 11, 16.

Overview of restitution law. Utah law requires the imposition of restitution in an appropriate case. While the law has been amended since 1995, the amendments have not changed the basic mandate: “When a person is *convicted of criminal activity* that has resulted in pecuniary damages, in addition to any other sentence it may impose, the court

shall order that the defendant make restitution to victims of crime as provided in this subsection, or *for conduct for which the defendant has agreed to make restitution as part of the plea agreement*. Utah Code Ann. § 76-3-201(4)(a) (1995) (emphasis added); *cf.* Utah Code Ann. § 76-3-201(4)(a) (West 2004). Criminal activities include “any offense of which the defendant is convicted or any other criminal conduct for which the defendant admits responsibility to the sentencing court” Utah Code Ann. § 76-3-201(1)(b) (1995); *cf.* Utah Code Ann. § 76-3-201(1)(b) (West 2004). Thus, a court may order restitution for (1) a defendant’s conduct that resulted in conviction, (2) conduct for which the defendant admitted responsibility, and (3) conduct for which the defendant agreed to make restitution as part of a plea agreement.

A court is required to determine complete and court-ordered restitution. Utah Code Ann. § 76-3-201 (1995); *cf.* Utah Code Ann. § 77-38a-302(2) (West 2004) (Crime Victims Restitution Act). Complete restitution is “the restitution necessary to compensate a victim for all losses caused by the defendant.” Utah Code Ann. § 76-3-201 (4)(c)(i) (1995). Court-ordered restitution is “the restitution the court having criminal jurisdiction orders the defendant to pay as part of the criminal sentence at the time of sentencing.” Utah Code Ann. § 76-3-201 (4)(c)(ii) (1995). In determining court-ordered restitution, a court must consider, in addition to the losses to the victim, the financial resources of the defendant, the burden that the payment of restitution will impose on the defendant, and the rehabilitative effect of the payment and method of payment. Utah Code Ann. § 76-3-201 (8)(c) (1995).

To aid the court in determining complete and court-ordered restitution, AP&P prepares a presentence investigation report (PSI). Utah Code Ann. § 64-13-20(5) (1995). The PSI should include a victim impact statement, identifying all the victims and itemizing their economic losses. *Id.* “If the defendant objects to the imposition, amount, or distribution of the restitution, the court shall at the time of sentencing allow [the defendant] a full hearing on the issue.” Utah Code Ann. § 76-3-201(4)(e) (1995). If a defendant does not object to restitution or request a restitution hearing, she waives her right to a hearing. *See State v. Weeks*, 2000 UT App 273, ¶ 10, 12 P.3d 110, *aff’d on different grounds*, 2002 UT 98, 61 P.3d 1000; *State v. Snyder*, 747 P.2d 417, 421 (Utah 1987) (holding that where Snyder “lodged no objection to the imposition, amount, or distribution of the restitution ordered” and did not “request a hearing on the issue,” he “waived the right he had to challenge the order of restitution”). A trial court may enter a restitution order requiring restitution in an amount to be determined by AP&P. *See, e.g., State v. Larsen*, 876 P.2d 391, 393 (Utah App. 1994) (noting trial court’s imposition of “restitution in an amount to be determined by the Department of Adult Probation and Parole”).

A trial court has continuing jurisdiction to supervise its restitution orders. Statutory law grants the trial courts jurisdiction to enforce restitution in two ways: “as a probation condition” and “as a separate and independent component of the court’s judgment and the defendant’s original sentence.” *State v. Nones*, 2000 UT App 211, ¶ 9, 11 P.3d 709; *see also State v. Dickey*, 841 P.2d 1203, 1205 (Utah App. 1992). The court may revoke or extend probation to enforce restitution. *See Nones*, 2000 UT App 211, ¶

13. The court may also hold a defendant in contempt for failure to comply with restitution orders. *Id.* The court’s power to hold a non-complying defendant in contempt exists even where probation is not imposed and continues even when probation is terminated. *Id.* at ¶¶ 12-13.

As part of its ongoing power to supervise restitution, the trial court also has ongoing power to make appropriate modifications or clarifications of the restitution order. For instance, in *State v. Allen*, 2000 UT App 340, ¶ 2, 15 P.3d 110, the trial court imposed judgment, ordering Allen to “serve 36 months probation and pay restitution to his victim for her counseling and associated costs.” In October 1999, some three years later and after Allen’s probation had been terminated, “the trial court held restitution review hearings at defendant’s request to clarify its restitution order.” *Id.* at ¶ 4. The trial court imposed restitution to cover the victim’s continued counseling, ordered Allen to pay the victim’s medical and counseling bills through October 2000, and provided that the restitution order could be modified “upon a hearing should the victim require treatment past October 2000.” *Id.* at ¶ 15.

I.

THIS COURT SHOULD REJECT DEFENDANT’S CHALLENGE TO THE 1995/1996 RESTITUTION ORDER BECAUSE HER CHALLENGE IS UNTIMELY AND BECAUSE THE ORDER RESTED ON CONDUCT FOR WHICH DEFENDANT AGREED TO PAY RESTITUTION AS PART OF HER PLEA AGREEMENT

Defendant claims that “the trial court exceeded its statutory authority by calculating court-ordered restitution based upon conduct for which [she] did not admit responsibility.” Br. Appellant at 11. Defendant argues that “[i]n December 1995, the

trial court was limited by statute to order restitution based upon conduct for which [she] was either convicted or admitted responsibility.” *Id.*

Defendant thus challenges either the 1995 restitution order, which ordered restitution to be determined by AP&P, or its modification in 1996 when AP&P finally calculated and notified defendant of the amount.

District court proceedings. As part of its December 11, 1995 judgment, the trial court ordered defendant to pay restitution in an amount to be determined by AP&P.

R45-46. Defendant concedes in her brief that AP&P informed her of the amount approximately ten months after the sentencing hearing. *See* Br. Appellant at 14. Further, the trial court’s findings at its hearing on defendant’s motion to terminate restitution indicate that on October 17, 1996, AP&P agent Glade Anderson showed defendant an offender obligation form that “indicated restitution owing of \$17,319.44.” R152.

Defendant does not dispute Agent Anderson’s testimony that he advised her “to contact her attorney and attempt to settle the amount through a hearing.” R171:16. Despite notice of the amount calculated, defendant did not object, did not request a restitution hearing, and did not appeal. Neither did defense counsel file any objection or request a restitution hearing at that time or in 1997 when he appeared for a review hearing on defendant’s probation. *See* R65.

A. Defendant waived her right to a restitution hearing and her right to challenge the restitution amount.

Defendant waived her right to a restitution hearing and her right to challenge the restitution amount. The restitution statute in effect in 1995 and 1996 provided: “If the

defendant objects to the imposition, amount, or distribution of the restitution, the court shall at the time of sentencing allow [the defendant] a full hearing on the issue.” Utah Code Ann. § 76-3-201(4)(e) (1995); *cf.* Utah Code Ann. § 77-38a-203(2)(c) (West 2004). Interpreting this language, which also appeared in the 1999 version of the statute, this Court held that a defendant who does not object to the recommended restitution amount or request a restitution hearing “at or before sentencing and [who] ha[s] no good cause not to make the request, . . . waive[s] his [or her] entitlement to a restitution hearing.” *Weeks*, 2000 UT App 273, ¶ 10; *Snyder*, 747 P.2d at 421.

Defendant may have had good cause not to object to restitution or to request a restitution hearing when the trial court imposed restitution to be determined by AP&P. Once notified of the amount, however, defendant made no request for a restitution hearing, nor did she challenge the restitution amount until 2005. Defendant had the opportunity to do so in 1996 when AP&P informed her of the amount due and told her to contact her attorney about a hearing. She did not contact her attorney or the court, or, if she did contact her attorney, neither of them objected to the amount or requested a hearing.

Defendant, in fact, did not request a restitution hearing or object to the amount of restitution for the next eight years. She did not object through counsel when, in 1997, he appeared for a review hearing on defendant’s probation. While she did contact the court in 1999 to object to the accumulation of interest and fees, she did not, even then, request a restitution hearing or contest the amount of the restitution order. Defendant’s failure at

every opportunity to alert the trial court to any concerns prevented the court from ordering a restitution hearing or addressing the restitution amount at an appropriate time.

Defendant has not shown good cause for the approximately eight-year delay between the time restitution was fixed and her challenge to the restitution amount. Her failure to timely challenge the amount waived her right to challenge it eight years later or to object on the basis that in 2005 the prosecution could not produce all of the documentation underlying AP&P's 1996 restitution calculation. As the prosecutor argued below, it would be "unjust to have someone wait all these years . . . until it's difficult to establish exactly where the restitution came from, and then claim that she should be relieved of the fact of paying restitution." R171:51; *see James v. Galetka*, 965 P.2d 567, 574 (Utah App. 1998) (noting that any error in considering restitution factors should have been brought to the immediate attention of the sentencing judge); *Jackson v. State*, 530 So.2d 900, 902 (Ala. Crim. App. 1988) (observing that objections should be made "as soon as the ground for the objection becomes apparent," when the court can remedy a problem without imposing severe sanctions, and that "a defendant should not be permitted to gain any advantage . . . by delay in filing objection").

B. The 1995 restitution order and its 1996 modification were proper.

In any case, the trial court did not err when it imposed restitution to be determined by AP&P. Moreover, AP&P's calculation was properly based on the conduct for which defendant was convicted *and* the conduct for which she agreed to pay restitution as part of her plea agreement.

Defendant concedes that she admitted responsibility for her conduct in all three cases that were charged. Br. Appellant at 13. Defendant also concedes that she agreed to pay “restitution on all cases.” *Id.*; *see also* R32. Defendant’s argument, however, is not completely clear. She either argues that the trial court could not legally impose restitution for her conduct in uncharged cases or that she agreed to pay restitution only on the three charged cases and not on the cases the State agreed not to charge as part of the plea agreement. *See* Br. Appellant at 13.

1. In 1995, as under current law, the trial court could impose jurisdiction for conduct for which the defendant agreed to pay restitution as part of her plea agreement.

If defendant is making a legal argument, i.e., that statutory law permitted restitution only for conduct for which the defendant was convicted or for conduct for which the defendant admitted responsibility, defendant misreads the law. The 1995 law provided: “When a person is convicted of criminal activity that has resulted in pecuniary damages, in addition to any other sentence it may impose, the court shall order that the defendant make restitution to victims of crime as provided in this subsection, *or for conduct for which the defendant has agreed to make restitution as part of the plea agreement.*” Utah Code Ann. § 76-3-201(4)(a)(i) (1995) (emphasis added); *cf.* Utah Code Ann. § 76-3-201(4)(a) (West 2004). The final clause of the subsection is dispositive. A court may order restitution not only for conduct for which a defendant admits responsibility, but also for conduct for which she agrees to pay restitution as part of the plea agreement. Here, defendant agreed to pay “restitution on all cases.” R32.

Defendant also claims that “[w]hereas ‘complete’ restitution might encompass all monetary damages caused by a defendant, actual ‘court-ordered’ restitution was limited [in 1995] only to those damages flowing from criminal conduct admitted by the defendant.” Br. Appellant at 12. Defendant’s misstates the law. In 1995, as now, complete restitution was defined as “the restitution necessary to compensate a victim for all losses caused by the defendant.” Utah Code Ann. § 76-3-201(4)(c)(i) (1995); *cf.* Utah Code Ann. § 77-38a-302(2)(a) (West 2004). Then, as now, court-ordered restitution was defined as “the restitution the court having criminal jurisdiction orders the defendant to pay as part of the criminal sentence at the time of sentencing.” Utah Code Ann. § 76-3-201(4)(c)(ii) 1995); *cf.* Utah Code Ann. § 77-38a-302(2)(b) (West 2004). Then, as now, after determining complete restitution, but before determining court-ordered restitution, the trial court was required to consider the financial resources of the defendant, the burden that payment of restitution would impose, the ability of the defendant to pay restitution, and the rehabilitative effect on the defendant of the payment of restitution. *See* Utah Code Ann. § 76-3-201(8)(b) (1995); *cf.* Utah Code Ann. § 77-38a-302(5)(c) (West 2004). Thus, the difference between complete and court-ordered restitution is not whether defendant admitted responsibility for certain conduct or whether she agreed to pay restitution for certain conduct as part of her plea agreement. Rather, the difference is simply that the court must consider not only the amount of complete restitution, but also the ability of the defendant to pay and the effect of the restitution order on the defendant before it imposes court-ordered restitution.

In sum, defendant's claim that court-ordered restitution could not be based on conduct for which defendant had not admitted responsibility is inconsistent with statutory law. Indeed, a court may order restitution that a defendant agrees to pay as part of a plea agreement. Clearly, a defendant may agree to pay restitution for conduct she does not admit in order to obtain a more favorable plea agreement.

2. Defendant agreed to pay restitution for losses occasioned by uncharged, as well as charged, conduct.

If defendant is making a factual argument, i.e., that her agreement to pay restitution on all cases meant only on all charged cases, her claim is without record support.

First, defendant's claim is inconsistent with the plea agreement. Defendant pled guilty to two counts of forgery in case 951901411, based on conduct occurring on July 13 and 19, 1995. *See* R40-41; *see also* District Court Docket (951901411). As its part of the plea agreement, the State dismissed three charges of possession of a forged writing in that case. *See* R40-41; *see also* District Court Docket (951901411). The State also dismissed one count of forgery and one count of theft by receiving stolen property in case 951901412. *See* R40-41; *see also* District Court Docket (951901412). The State further dismissed two counts of possession of a controlled substance in case 951901413. *See* R40-41; *see also* District Court Docket (951901413). Finally, the State agreed not to bring charges for criminal conduct occurring prior to July 13, 1995. *See* R32. In exchange, defendant agreed to "restitution on all cases." *Id.* Thus, the plea statement evidences defendant's agreement to pay restitution not only for losses occasioned by her

charged conduct but also for losses occasioned by conduct the State could have charged, but agreed not to charge as part of the plea agreement.

Second, defendant's current claim is inconsistent with her conduct at the time restitution was ordered and calculated. Defendant did not file an objection to the amount of restitution and did not request a restitution hearing. She did not appeal the trial court's restitution order or the order as modified by AP&P's calculation of the amount. When AP&P agent Glade Anderson showed her the documentation showing \$17,319.44 owing, she told him she thought the amount was "excessive." R152. He told her to "contact her defense counsel concerning the restitution issue." *Id.* She apparently did not. Neither did she file any objection to the calculation, ask for a restitution hearing, or appeal the restitution order as modified. Rather, she began making restitution payments to AP&P. *See* R67, 68.

Defendant, in fact, did not complain to the trial court until May 1999, after the obligation had been transferred to State Debt Collections. *See* R67, 68. She then informed the court that while she still owed \$16,014.14, GC Services, collecting for the State, had added interest and fees and assessed her \$19,897.12. R68-69. Even then, her complaint was not that AP&P's restitution amount was improper or that it was based on conduct to which she had not admitted. Rather, her complaint was about interest and collection fees.

Nevertheless, almost ten years after restitution was imposed and calculated, defendant would have this Court believe that her agreement to pay restitution on all cases meant only on the charged cases and not on the cases the State agreed not to file. *See* Br.

Appellant at 13. Defendant's assertion is inconsistent with the plea agreement and with her conduct in the intervening years. Moreover, it is inconsistent with her testimony at the 2005 hearing. At that hearing, defendant was asked about her 1995 plea agreement to pay restitution. R171:36. Asked whether she had agreed to pay full restitution in all cases, including "all counts that had not been filed, everything [she] had done up to that point," defendant responded: "I'm sure I signed a paper that stated that, and I'm not trying to be obnoxious here. I'm just telling you the truth. I don't remember." R131:37.

Finally, her claim is inconsistent with the trial court's factual findings. In its 2005 evidentiary hearing, the trial court received evidence and heard argument on this very issue. R171:13-14; Exhibits (in envelope included in record). The trial court found that "in exchange for the plea agreement . . . , defendant was to pay full restitution on all counts in all cases and for all other uncharged criminal conduct." R152. Defendant does not address this finding or challenge it as clearly erroneous. *See Br. Appellant.*

Thus, defendant presents no evidence that she did not agree to pay restitution in all cases, charged and uncharged. *See id.* at 13. She does not challenge the trial court's 2005 finding that she agreed to pay full restitution "on all counts in all cases and for all other uncharged criminal conduct." R152. She does not even directly claim that her agreement was only to pay restitution in the charged cases. Rather, she appears to claim that she could only have legally agreed to pay restitution for admitted conduct. *See Br. Appellant* at 13. That, however, is not the law. As explained, a defendant may be ordered to pay restitution for conduct for which she agreed to pay restitution as part of

her plea agreement, whether or not she admits responsibility for that conduct. *See* Utah Code Ann. § 76-3-201(1)(b) (1995).

In sum, defendant could have filed an objection to the restitution amount when AP&P informed her of that amount. She did not. She did not ask for a restitution hearing. She did not appeal the order. She complied. Even now in 2005, she does not claim that she did not agree to pay restitution in all cases, including uncharged cases. She has not shown that trial court's original order, as reduced to a sum certain by AP&P, was improper or statutorily unauthorized.

Moreover, “[d]efendants have a responsibility to be vigilant in preserving their appeal rights.” *State v. Verikokides*, 925 P.2d 1255, 1258 (Utah 1996). Here, defendant waited almost a decade before challenging the amount and basis for the 1995/1996 restitution order. To the extent that original records may no longer be available to explain the details underlying AP&P's 1996 restitution calculation, defendant must bear responsibility because of her undue delay in challenging restitution. Thus, on appeal, she is not entitled to benefit from ambiguities or missing details in the record regarding such matters as the number and amount of forged checks presented by Smith's to AP&P in 1996.

II.

THE TRIAL COURT PROPERLY EXERCISED ITS DISCRETION WHEN IT DENIED DEFENDANT'S 2004 MOTIONS TO TERMINATE RESTITUTION

Defendant next claims that “[t]he trial court abused its discretion in denying the amended motion for termination of restitution.” Br. Appellant at 16. Defendant claims

that the court “calculate[ed] court-ordered restitution based upon irrelevant and conclusory evidence.” *Id.*

While defendant could not challenge the trial court’s original restitution order, she could request that the trial court, in its jurisdiction to enforce restitution, clarify or modify the restitution order. Construing her motion to terminate restitution as such a request, the issue is whether the trial court abused its discretion when it denied the motion.

Controlling law. “Trial courts are vested with wide latitude and discretion in sentencing.” *State v. Corbitt*, 2003 UT App 417, ¶ 6, 82 P.3d 211 (quoting *State v. Fedorowicz*, 2002 UT 67, ¶ 63, 52 P.3d 1194) (additional quotation marks and citation omitted). This Court “will not disturb a trial court’s restitution order unless it exceeds that prescribed by law or [unless the trial court] otherwise abused its discretion. *Id.* (citing *State v. Mast*, 2001 UT App 402, ¶ 7, 40 P.3d 1143) (additional quotation marks and citation omitted). “[T]he exercise of discretion in sentencing necessarily reflects the personal judgment of the court and the appellate court can properly find abuse only if it can be said that no reasonable [person] would take the view adopted by the trial court.” *Id.* (citing *State v. Gerrard*, 584 P.2d 885, 887 (Utah 1978) (additional quotation marks omitted)).

Analysis. Here, defendant filed a pro se motion to terminate, claiming that despite her regular payments she was falling further and further behind due to State Debt

Collections assessment of interest and fees.¹ R77-73. Thus, her complaint was apparently that, in retrospect, the restitution order exceeded her ability to pay. However, defendant conceded that she had been paying only \$50 a month toward restitution, even though she was making between \$13,000 and \$15,000 a year. R171:40. The trial court concluded that these matters did not excuse her from her continuing restitution obligation.

Under the circumstances, the trial court would not have abused its discretion had it simply ordered her to pay larger payments so that over time she could retire her obligation, including interest and fees assessments. The trial court, however, gave defendant a measure of relief. First, the trial court reduced the amount of restitution defendant owed to \$11,384.14—an amount reflecting the \$16,014.44 figure defendant conceded she still owed when she wrote to the court in 1999 less the \$4,630.00 in payments she had already made. R152-53. Thus, the court applied all payments toward principal, relieving defendant from any obligation for interest and fees she had been charged in the interim. Moreover, the modification used the figure defendant stated that she still owed in 1999 and deducted from that figure all payments defendant had made from 1995 through 2005. Thus, defendant was not only relieved from interest and fees

¹ Trial counsel filed an amended motion to terminate restitution. R94. That motion gave short shrift to the propriety of a modification, instead attacking the original restitution order. *See* R94-102. In the supporting memorandum, trial counsel did argue that “the need to make an order requiring additional restitution payments to Smith’s is outweighed by the burden such an order would continue to impose on [defendant].” R102.

that had already accrued, but the amount of restitution was reduced from the \$17,319.44 in the original order to \$16,014.44. Finally, the trial court struck its original \$5000 fine. Thus, defendant's financial obligations were reduced by the amount of accrued interest and fees and by approximately \$6300 more.²

With respect to defendant's future payments, the trial court ruled that while State Debt Collections would continue to collect restitution payments, AP&P would monitor those payments. Defendant would be responsible for future interest only if her annual payments fell below \$1200 (\$100 per month).

Under these circumstances, it cannot be said that "no reasonable [person]" would have denied the motion to terminate restitution. *Corbitt*, 2003 UT App 417, ¶ 6 (citing *Gerrard*, 584 P.2d at 887 (additional quotation marks omitted)). The trial court, in fact, accorded defendant more than fair treatment on her motion.

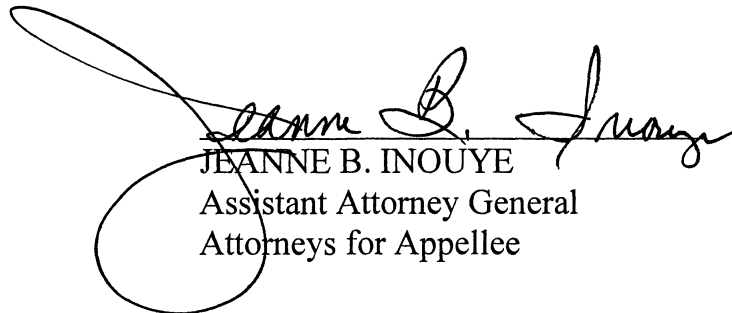
CONCLUSION

Defendant's conviction should be affirmed.

² The trial court's calculation may, in fact, have accorded defendant more relief than the court actually intended. In an effort to limit argument over the propriety of the original restitution amount and to simplify calculations, the trial court simply began its calculations with the \$16,014.44 figure that defendant said she still owed as of February 1999, a lesser amount than the original \$17,319.44 restitution order. It then reduced the \$16,014.44 figure by the amount of all restitution defendant had paid from 1995 through 2004.

Respectfully submitted this 22nd day of September, 2005.

MARK L. SHURTLEFF
Attorney General

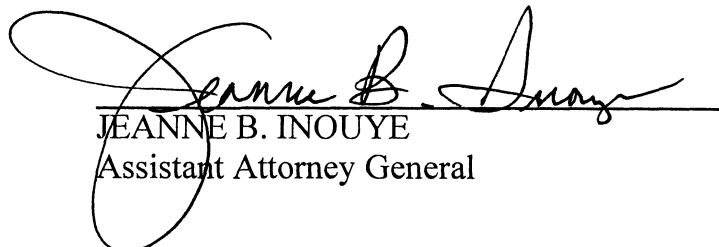

JEANNE B. INOUE
Assistant Attorney General
Attorneys for Appellee

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of September, 2005, I either mailed first-class postage prepaid or hand-delivered two copies of the foregoing Brief of Appellee to appellant's counsel of record, as follows:

JOHN PACE
Salt Lake Legal Defender Association
425 East 400 South, Suite 300
Salt Lake City, UT 84111

Counsel for Appellant


JEANNE B. INOUE
Assistant Attorney General

Addenda

Addendum A

UTAH CODE, 1953
TITLE 76. CRIMINAL CODE
CHAPTER 3. PUNISHMENTS
PART 2. SENTENCING

Copyright © 1953, 1960-1963, 1966, 1968-1971, 1973, 1974, 1976-1978,

1981, 1982, 1984 by The Allen Smith Company; Copyright © 1986-1994 by

The Michie Company. Copyright © 1995 by Michie Butterworth, a

division of Reed Elsevier Inc. and Reed Elsevier Properties Inc. All

Rights Reserved.

76-3-201 Sentences or combination of sentences allowed -- Civil penalties --
Restitution -- Hearing -- Definitions -- Resentencing -- Aggravation or mitigation
of crimes with mandatory sentences [Effective until April 29, 1996].

(1) As used in this section:

(a) "Conviction" includes a:

(i) judgment of guilt; and

(ii) plea of guilty.

(b) "Criminal activities" means any offense of which the defendant is convicted or any other criminal conduct for which the defendant admits responsibility to the sentencing court with or without an admission of committing the criminal conduct.

(c) "Pecuniary damages" means all special damages, but not general damages, which a person could recover against the defendant in a civil action arising out of the facts or events constituting the defendant's criminal activities and includes the money equivalent of property taken, destroyed, broken, or otherwise harmed, and losses including earnings and medical expenses.

(d) "**Restitution**" means full, partial, or nominal payment for pecuniary damages to a victim, including the accrual of interest from the time of sentencing, insured damages, and payment for expenses to a governmental entity for extradition or transportation and as further defined in Subsection (4)(c).

(e) (i) "Victim" means any person whom the court determines has suffered pecuniary damages as a result of the defendant's criminal activities.

(ii) "Victim" does not include any coparticipant in the defendant's criminal activities.

(2) Within the limits prescribed by this chapter, a court may sentence a person

convicted of an offense to any one of the following sentences or combination of them:

- (a) to pay a fine;
- (b) to removal from or disqualification of public or private office;
- (c) to probation unless otherwise specifically provided by law;
- (d) to imprisonment;
- (e) to life imprisonment;
- (f) on or after April 27, 1992, to life in prison without parole; or
- (g) to death.

(3) (a) This chapter does not deprive a court of authority conferred by law to:

- (i) forfeit property;
- (ii) dissolve a corporation;
- (iii) suspend or cancel a license;
- (iv) permit removal of a person from office;
- (v) cite for contempt; or
- (vi) impose any other civil penalty.

(b) A civil penalty may be included in a sentence.

(4) (a) (i) When a person is convicted of criminal activity that has resulted in pecuniary damages, in addition to any other sentence it may impose, the court shall order that the defendant make **restitution** to victims of crime as provided in this subsection, or for conduct for which the defendant has agreed to make **restitution** as part of a plea agreement. For purposes of **restitution**, a victim has the meaning as defined in Section 77-38-2 and family member has the meaning as defined in Section 77-37-2.

(ii) In determining whether **restitution** is appropriate, the court shall follow the criteria and procedures as provided in Subsections (4)(c) and (4)(d).

(iii) If the court finds the defendant owes **restitution**, the clerk of the court shall enter an order of complete **restitution** as defined in Subsection (8)(b) on the civil judgment docket and provide notice of the order to the parties.

(iv) The order is considered a legal judgment enforceable under the Utah Rules of Civil Procedure, and the person in whose favor the **restitution** order is entered may seek enforcement of the **restitution** order in accordance with the Utah Rules of Civil Procedure. In addition, the Department of Corrections may, on behalf of the person in whose favor the **restitution** order is entered, enforce the **restitution** order as judgment creditor under the Utah Rules of Civil Procedure.

(v) If the defendant fails to obey a court order for payment of **restitution** and the victim or department elects to pursue collection of the order by civil

process, the victim shall be entitled to recover reasonable attorney's fees.

(vi) A judgment ordering **restitution** constitutes a lien when recorded in a judgment docket and shall have the same effect and is subject to the same rules as a judgment for money in a civil action. Interest shall accrue on the amount ordered from the time of sentencing.

(b) (i) If a defendant has been extradited to this state under Title 77, Chapter 30, Extradition, to resolve pending criminal charges and is convicted of criminal activity in the county to which he has been returned, the court may, in addition to any other sentence it may impose, order that the defendant make **restitution** for costs expended by any governmental entity for the extradition.

(ii) In determining whether **restitution** is appropriate, the court shall consider the criteria in Subsection (4)(c).

(c) In determining **restitution**, the court shall determine complete **restitution** and court-ordered **restitution**.

(i) Complete **restitution** means the **restitution** necessary to compensate a victim for all losses caused by the defendant.

(ii) Court-ordered **restitution** means the **restitution** the court having criminal jurisdiction orders the defendant to pay as a part of the criminal sentence at the time of sentencing.

(iii) Complete **restitution** and court-ordered **restitution** shall be determined as provided in Subsection (8).

(d) (i) If the court determines that **restitution** is appropriate or inappropriate under this subsection, the court shall make the reasons for the decision a part of the court record.

(ii) In any civil action brought by a victim to enforce the judgment, the defendant shall be entitled to offset any amounts that have been paid as part of court-ordered **restitution** to the victim.

(iii) A judgment ordering **restitution** constitutes a lien when recorded in a judgment docket and shall have the same effect and is subject to the same rules as a judgment for money in a civil action. Interest shall accrue on the amount ordered from the time of sentencing.

(e) If the defendant objects to the imposition, amount, or distribution of the **restitution**, the court shall at the time of sentencing allow the defendant a full hearing on the issue.

(5) (a) In addition to any other sentence the court may impose, the court shall order the defendant to pay **restitution** of governmental transportation expenses if the defendant was:

(i) transported pursuant to court order from one county to another within the state at governmental expense to resolve pending criminal charges;

(ii) charged with a felony or a class A, B, or C misdemeanor; and

(iii) convicted of a crime.

(b) The court may not order the defendant to pay **restitution** of governmental transportation expenses if any of the following apply:

(i) the defendant is charged with an infraction or on a subsequent failure to appear a warrant is issued for an infraction; or

(ii) the defendant was not transported pursuant to a court order.

(c) (i) **Restitution** of governmental transportation expenses under Subsection (a)(i) shall be calculated according to the following schedule:

(A) \$75 for up to 100 miles a defendant is transported;

(B) \$125 for 100 up to 200 miles a defendant is transported;

(C) \$250 for 200 miles or more a defendant is transported.

(ii) The schedule of **restitution** under Subsection (c)(i) applies to each defendant transported regardless of the number of defendants actually transported in a single trip.

(6) (a) If a statute under which the defendant was convicted mandates that one of three stated minimum terms shall be imposed, the court shall order imposition of the term of middle severity unless there are circumstances in aggravation or mitigation of the crime.

(b) Prior to or at the time of sentencing, either party may submit a statement identifying circumstances in aggravation or mitigation or presenting additional facts. If the statement is in writing, it shall be filed with the court and served on the opposing party at least four days prior to the time set for sentencing.

(c) In determining whether there are circumstances that justify imposition of the highest or lowest term, the court may consider the record in the case, the probation officer's report, other reports, including reports received under Section 76-3-404, statements in aggravation or mitigation submitted by the prosecution or the defendant, and any further evidence introduced at the sentencing hearing.

(d) The court shall set forth on the record the facts supporting and reasons for imposing the upper or lower term.

(e) The court in determining a just sentence shall consider sentencing guidelines regarding aggravation and mitigation promulgated by the Commission on Criminal and Juvenile Justice.

(7) (a) (i) If a defendant subject to Subsection (6) has been sentenced and committed to the Utah State Prison, the court may, within 120 days of the date of commitment on its own motion, or at any time upon the recommendation of the Board of Pardons and Parole, recall the sentence and commitment previously ordered and resentence the defendant in the same manner as if the defendant had not previously been sentenced, so long as the new sentence is no greater than the initial sentence nor less than the mandatory time prescribed by statute.

(ii) The resentencing shall take into consideration the sentencing guidelines established under this section by the Commission on Criminal and Juvenile Justice to eliminate disparity of sentences and to promote uniformity of sentencing.

(iii) Credit shall be given for time served.

(b) (i) The court shall state the reasons for its choice of sentence on the record at the time of sentencing.

(ii) The court shall also inform the defendant as part of the sentence that, if the defendant is released from prison, the defendant may be on parole for a period of ten years.

(c) If during the commission of a crime described as child kidnaping, rape of a child, object rape of a child, sodomy upon a child, or sexual abuse of a child, the defendant causes substantial bodily injury to the child, and if the charge is set forth in the information or indictment and admitted by the defendant, or found true by a judge or jury at trial, the defendant shall be sentenced to the aggravated mandatory term in state prison. This subsection takes precedence over any conflicting provision of law.

(8) (a) For the purpose of determining **restitution** for an offense, the offense shall include any criminal conduct admitted by the defendant to the sentencing court or to which the defendant agrees to pay **restitution**. A victim of an offense, that involves as an element a scheme, a conspiracy, or a pattern of criminal activity, includes any person directly harmed by the defendant's criminal conduct in the course of the scheme, conspiracy, or pattern.

(b) In determining the monetary sum and other conditions for complete **restitution**, the court shall consider all relevant facts, including:

(i) the cost of the damage or loss if the offense resulted in damage to or loss or destruction of property of a victim of the offense;

(ii) the cost of necessary medical and related professional services and devices relating to physical, psychiatric, and psychological care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment; the cost of necessary physical and occupational therapy and rehabilitation; and the income lost by the victim as a result of the offense if the offense resulted in bodily injury to a victim; and

(iii) the cost of necessary funeral and related services if the offense resulted in the death of a victim.

(c) In determining the monetary sum and other conditions for court-ordered **restitution**, the court shall consider the factors listed in Subsection (b) and:

(i) the financial resources of the defendant and the burden that payment of **restitution** will impose, with regard to the other obligations of the defendant;

(ii) the ability of the defendant to pay **restitution** on an installment basis or on other conditions to be fixed by the court;

(iii) the rehabilitative effect on the defendant of the payment of **restitution** and the method of payment; and

(iv) other circumstances which the court determines make **restitution** inappropriate.

(d) The court may decline to make an order or may defer entering an order of **restitution** if the court determines that the complication and prolongation of the sentencing process, as a result of considering an order of **restitution** under this

UT ST § 76-3-201
U.C.A. 1953 § 76-3-201

Page 6

subsection, substantially outweighs the need to provide **restitution** to the victim.

U.C.A. 1953 § 76-3-201

UT ST § 76-3-201

END OF DOCUMENT

Addendum B

3RD DISTRICT COURT - SALT LAKE
SALT LAKE COUNTY, STATE OF UTAH

STATE OF UTAH vs. CHRISTI EVERETTE KEELE

CASE NUMBER 951901411 State Felony

CHARGES

Charge 1 - 76-6-501 - FORGERY
3rd Degree Felony Plea: October 30, 1995 Guilty
Disposition: October 30, 1995 {Guilty Plea}
Charge 2 - 76-6-501 - FORGERY
3rd Degree Felony Plea: October 30, 1995 Guilty
Disposition: October 30, 1995 {Guilty Plea}
Charge 3 - 76-6-502 - POSSESS FORGERY WRITING/DEVICE
Class A Misdemeanor Plea: October 30, 1995 Not Guilty
Disposition: October 30, 1995 Dismissed
Charge 4 - 76-6-502 - POSSESS FORGERY WRITING/DEVICE
Class A Misdemeanor Plea: October 30, 1995 Not Guilty
Disposition: October 30, 1995 Dismissed
Charge 5 - 76-6-502 - POSSESS FORGERY WRITING/DEVICE
Class A Misdemeanor Plea: October 30, 1995 Not Guilty
Disposition: October 30, 1995 Dismissed

CURRENT ASSIGNED JUDGE
STEPHEN L HENRIOD

PARTIES

Also Known As - CHRISTI FELLERS

Also Known As - CHRISTI ROMERO

Plaintiff - STATE OF UTAH
Represented by: KENNETH R UPDEGROVE

Defendant - CHRISTI EVERETTE KEELE
Notus, ID 83656
Represented by: RALPH DELLAPIANA

DEFENDANT INFORMATION

Defendant Name: CHRISTI EVERETTE KEELE
Offense tracking number: 7558828
Date of Birth: May 24, 1957
Social Security Number:
Law Enforcement Agency: SALT LAKE POLICE
LEA Case Number: 95-100818
Prosecuting Agency: SALT LAKE COUNTY
Violation Date: July 13, 1995

CASE NUMBER 951901411 State Felony

ACCOUNT SUMMARY

TOTAL REVENUE	Amount Due:	365.00
	Amount Paid:	365.00
	Credit:	0.00
	Balance:	0.00

TRUST TOTALS	Trust Due:	150.00
	Amount Paid:	150.00
	Credit:	0.00
	Trust Balance Due:	0.00
	Balance Payable:	0.00

REVENUE DETAIL - TYPE: FINE

Original Amount Due:	1,156.25
Amended Amount Due:	335.00
Amount Paid:	335.00
Amount Credit:	0.00
Balance:	0.00

Account Adjustments

Date	Amount	Reason
Jan 30, 2002	-821.25	Adjusted to zero and set to State Debt Collection

REVENUE DETAIL - TYPE: VIDEO TAPE COPY

Amount Due:	15.00
Amount Paid:	15.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: VIDEO TAPE COPY

Amount Due:	15.00
Amount Paid:	15.00
Amount Credit:	0.00
Balance:	0.00

TRUST DETAIL

Trust Description:	Attorney Fees
Recipient:	SALT LAKE COUNTY ATTORNEY
Amount Due:	150.00
Paid In:	150.00
Paid Out:	150.00

TRUST DETAIL

Trust Description:	Attorney Fees
Recipient:	DISTRICT ATTORNEY
Amount Due:	0.00

Paid In: 0.00
Paid Out: 0.00

CASE NOTE

(JAIL)

PROCEEDINGS

08-01-95 Judge YOUNG assigned.
08-01-95 Note: Case filed from Circuit Court bindover.
08-01-95 Note: ARR scheduled for 8/ 7/95 at 8:30 A in room K
with DSY
08-01-95 Information filed
08-07-95 Arraignment scheduled on August 07, 1995 at 08:30 AM with Judge
YOUNG.
08-07-95 DISPOSITION HEARING scheduled on August 28, 1995 at 08:30 AM
with Judge YOUNG.
08-07-95 Note: Fel Arraignment JUDGE: DAVID S. YOUNG
08-07-95 Note: ATD: QUINLAN, PAUL C. ATP: HAMP, RICHARD
08-07-95 Note: Deft is present
08-07-95 Note: DSP scheduled for 08/28/95 at 0830 A in room K
with DSY
08-07-95 Note: Chrg: 76-6-501 Plea: Not Guilty
08-07-95 Note: Chrg: 76-6-501 Plea: Not Guilty
08-07-95 Note: Chrg: 76-6-502 Plea: Not Guilty
08-07-95 Note: Chrg: 76-6-502 Plea: Not Guilty
08-07-95 Note: Chrg: 76-6-502 Plea: Not Guilty
08-07-95 Note: FILED: MINUTE ENTRY (ARR) DEFT PLED N/G. DISPOSITION SET
FOR
08-07-95 Note: 8-28-95 @ 8:30 A.M.
08-28-95 Warrant ordered on: August 28, 1995 Warrant Num: 952000990 No
Bail
08-28-95 Warrant issued on: August 28, 1995 Warrant Num: 952000990 No
Bail
Judge: DAVID S YOUNG
Issue reason: Failure to Appear.
08-28-95 Note: Hearing: JUDGE: DAVID S. YOUNG
08-28-95 Note: Deft not present
08-28-95 Note: ATD: MACK, DAVID ATP: COPE, JAMES
08-28-95 Note: FILED: MINUTE ENTRY (DISP HRG) BASED ON NON-APPEARANCE OF
THE
08-28-95 Note: DEFT, COURT ORDERS A NO-BAIL B/W TO ISSUE
RETURNABLE
08-28-95 Note: FORTHWITH.
08-28-95 Note: Warrant ordered
08-28-95 Note: BENCH WARRANT issued - JUDGE DSY
08-28-95 Note: Failure to appear for hearing.
08-28-95 Note: No bail ordered
09-15-95 DISPOSITION HEARING scheduled on September 25, 1995 at 08:30 AM

with Judge YOUNG.

09-21-95 Warrant recalled on: September 21, 1995 Warrant num: 952000990
Recall reason: Warrant recalled because defendant was booked.

09-25-95 Warrant ordered on: September 25, 1995 Warrant Num: 952001093
No Bail

09-25-95 Warrant issued on: September 25, 1995 Warrant Num: 952001093 No Bail
Judge: DAVID S YOUNG
Issue reason: Failure to Appear.

09-25-95 Note: Hearing (DISPOSITION HEARING): JUDGE: DAVID S. YOUNG

09-25-95 Note: Deft not present

09-25-95 Note: ATD: QUINLAN, PAUL C. ATP: BOYDEN, ANNE

09-25-95 Note: FILED: MINUTE ENTRY (DSP HRG) BASED ON NON-APPEARANCE OF DEFT

09-25-95 Note: COURT ORDERS A NO-BAIL B/W TO ISSUE RETURNABLE FORTHWITH

09-25-95 Note: Warrant ordered

09-25-95 Note: BENCH WARRANT issued - JUDGE DSY

09-25-95 Note: Failure to appear for hearing.

09-25-95 Note: No bail ordered

10-18-95 Warrant recalled on: October 18, 1995 Warrant num: 952001093
Recall reason: Warrant recalled because defendant was booked.

10-20-95 DISPOSITION HEARING scheduled on October 30, 1995 at 08:30 AM in Third Floor - S35 with Judge YOUNG.

10-30-95 Note: Chrg: 76-6-501 Find: Guilty Plea

10-30-95 Sentencing scheduled on December 11, 1995 at 08:30 AM in Third Floor - S35 with Judge YOUNG.

10-30-95 Note: Change of Plea JUDGE: DAVID S. YOUNG

10-30-95 Note: ATD: QUINLAN, PAUL C. ATP: BOYDEN, ANN

10-30-95 Note: Deft is present

10-30-95 Note: Deft advised of rights

10-30-95 Note: PSI Ordered from ADULT PROBATION & PAROLE

10-30-95 Note: Deft enters a plea of guilty to charge(s) 01 02

10-30-95 Note: Court orders counts 3, 4, 5 dismissed

10-30-95 Note: Court orders cases 951901412, 951901413 dismissed

10-30-95 Note: SNT scheduled for 12/11/95 at 0830 A in room E with DSY

10-30-95 Note: CUSTODY: County Sheriff

10-30-95 Note: FILED: MINUTE ENTRY (COP) DEFT PLED GUILTY TO CT 1,2-FORGERY 3RD

10-30-95 Note: DGR FELONY (AS CHARGED) CT 3,4,5 ARE DISMISSED. PRE-SENT

10-30-95 Note: REPORT ORDERED AND SENT SET FOR 12-11-95 AT 8:30 A.M.

10-30-95 Note: DEFT'S REQUEST TO SET BAIL IS DENIED.

10-30-95 Note: FILED: APPD REFERRAL FORM

10-30-95 Note: FILED: STATEMENT OF DEFT

10-30-95 Note: Entered case disposition of: Closed
 12-11-95 Fine Account created Total Due: 1156.25
 12-11-95 Trust Account created Total Due: 150.00
 12-11-95 Trust Account created Total Due: 0.00
 12-11-95 Note: Sentence: Judge DAVID S. YOUNG
 12-11-95 Note: REPORTER: CAMPBELL, GAYLE
 12-11-95 Note: Deft present with Counsel, Prosecutor present
 12-11-95 Note: FINE AMOUNT: 5000.00 SUSPENDED:
 5000.00
 12-11-95 Note: 0 TO 5 YEARS SUSPENDED: 5 YEARS
 12-11-95 Note: Chrg: FORGERY Plea: Guilty Find:
 Guilty Plea
 12-11-95 Note: FINE AMOUNT: 5000.00 SUSPENDED:
 4375.00
 12-11-95 Note: 0 TO 5 YEARS SUSPENDED: 5 YEARS
 12-11-95 Note: THE DEFENDANT IS PLACED ON PROBATION WITH APPD FOR 36
 MONTHS
 12-11-95 Note: CREATE Trust A/R # 01 Attorney Fee
 150.00
 12-11-95 Note: Fines and assessments entered: FS
 625.00
 12-11-95 Note: SB
 531.25
 12-11-95 Note: Total fines and assessments...:
 1156.25
 12-11-95 Note: FILED: ORDER OF RELEASE TO UTAH ALCOHOLISM FOUNDATION'S
 RECOVERY
 12-11-95 Note: CENTER PROGRAM
 12-11-95 Note: Entered case disposition of: Closed
 12-11-95 Note: JUDGMENT - CTS 1 & 2, FORGERY
 12-11-95 Note: 2204730
 12-11-95 Note: DATE: 12-15-95
 12-11-95 Note: TIME: 8:08 AM
 12-11-95 Note: NOTE: SEE FILE
 04-24-96 Order to Show Cause scheduled on April 29, 1996 at 08:30 AM in
 Third Floor - S35 with Judge YOUNG.
 04-25-96 Warrant ordered on: April 25, 1996 Warrant Num: 962000545 No
 Bail
 04-25-96 Warrant issued on: April 25, 1996 Warrant Num: 962000545 No
 Bail
 Judge: DAVID S YOUNG
 Issue reason: The defendant failed to comply with the
 terms of probations as alleged in the Order to Show Cause.
 04-25-96 Note: FILED: APPD/PROGRESS VIOLATION REPORT REQUESTING A NO
 BAIL B/W
 04-25-96 Note: TO ISSUE RETURNABLE FORTHWITH
 04-25-96 Note: FILED: AFFIDAVIT IN SUPPORT OF OSC
 04-25-96 Note: FILED: MINUTE ENTRY-THE COURT ORDERS A NO BAIL BENCH
 WARRANT TO

04-25-96 Note: ISSUE AND AN OSC HRG BE SCHEDULED FOR 4-29-96 AT 8:30 A.M.

04-25-96 Note: ISSUED OSC RETURNABLE 4-29-96 AT 8:30 A.M.

04-25-96 Note: Case disposition removed

04-25-96 Note: Warrant ordered

04-25-96 Note: BENCH WARRANT issued - JUDGE DSY

04-25-96 Note: Failure to comply with probation.

04-25-96 Note: No bail ordered

04-29-96 Order to Show Cause scheduled on May 06, 1996 at 08:30 AM in Third Floor - S35 with Judge YOUNG.

04-29-96 Note: Hearing (ORDER TO SHOW CAUSE): JUDGE: DAVID S. YOUNG

04-29-96 Note: Deft Present

04-29-96 Note: ATD: PETERSON, MICHAEL ATP: MCCLOSKEY, RUTH

04-29-96 Note: OSC scheduled for 05/06/96 at 0830 A in room E with DSY

04-29-96 Note: CUSTODY: County Sheriff

04-29-96 Note: FILED: MINUTE ENTRY (OSC) DEFT DENIES THE ALLEGATIONS OF THE

04-29-96 Note: AFFIDAVIT AND OSC. COURT ORDERS THE MATTER IS CONTINUED

04-29-96 Note: TO 5-6-96 @ 8:30 A.M. FOR AN EVIDENTIARY HEARING

05-01-96 Warrant recalled on: May 01, 1996 Warrant num: 962000545
Recall reason: Warrant recalled because defendant was booked.

05-06-96 Note: Hearing (ORDER TO SHOW CAUSE): JUDGE: DAVID S. YOUNG

05-06-96 Note: Deft Present

05-06-96 Note: ATD: STAM, KAREN ATP: BLAYLOCK, ROGER

05-06-96 Note: FILED: MINUTE ENTRY (OSC) DEFT ADMITS ALLEGATIONS #7,8,9. BASED

05-06-96 Note: ON MOTION OF STATE, #1,2,3,4,5,6. THE DEFT CONTD ON

05-06-96 Note: PROBATION (SEE M.E. FOR DETAILS)

06-21-96 Fine Payment Received: 25.00
Note: FINE PAYMENT

06-21-96 Note: FINE PAYMENT

07-12-96 Fine Payment Received: 25.00
Note: FINE PAYMENT

07-12-96 Note: FINE PAYMENT

08-05-96 Fine Payment Received: 50.00
Note: FINE PAYMENT

08-05-96 Note: FINE PAYMENT

09-06-96 Fine Payment Received: 25.00
Note: FINE PAYMENT

09-06-96 Attorney Fees Payment Received: 25.00
Note: ATTORNEY FEES

09-06-96 Note: FINE PAYMENT

09-16-96 Attorney Fees -25.00
Note: RETURNED BY BANK

09-17-96 Note: FILED: LETTER FROM VICKI ALLEN TO WOMENS COMM

CORRECTIONAL

09-17-96	Note:	CENTER	
09-19-96	Fine	Payment Received:	25.00
	Note:	PARTIAL FINE PAYMENT	
09-19-96	Note:	PARTIAL FINE PAYMENT	
10-15-96	Fine	Payment Received:	25.00
	Note:	PARTIAL FINE PAYMENT	
10-15-96	Note:	PARTIAL FINE PAYMENT	
12-09-96	Fine	Payment Received:	25.00
	Note:	FINE PAYMENT	
12-09-96	Note:	FINE PAYMENT	
01-06-97	Attorney Fees	Payment Received:	10.00
	Note:	FINE PAYMENT	
01-28-97	Attorney Fees Check #	2225 Trust Payout:	10.00
	Note:	Atty fee pmt from Trust	
02-20-97	Fine	Payment Received:	10.00
	Note:	FINE PAYMENT	
02-20-97	Note:	FINE PAYMENT	
03-19-97	Attorney Fees	Payment Received:	10.00
	Note:	ATTORNEY'S FEES	
04-16-97	Attorney Fees Check #	2389 Trust Payout:	10.00
	Note:	Atty fee pmt from Trust	
04-29-97	Fine	NSF Check Reversal:	-25.00
	Note:	RETURNED BY BANK	
04-29-97	Fine	Payment Received:	25.00
	Note:	REDEPOSITED 10/07/96 (TO TRUST)	
04-29-97	Attorney Fees	Payment Received:	25.00
	Note:	REDEPOSITED 10/07/96	
04-29-97	Note:	REDEPOSITED 10/07/96 (TO TRUST)	
05-21-97	Attorney Fees Check #	2542 Trust Payout:	25.00
	Note:	Atty fee pmt from Trust	
07-08-97	Attorney Fees	Payment Received:	20.00
	Note:	PARITIAL PAYMENT	
07-14-97	Review Hearing scheduled on August 11, 1997 at 08:30 AM in Third Floor - S35 with Judge YOUNG.		
08-08-97	Attorney Fees Check #	2826 Trust Payout:	20.00
	Note:	Atty fee pmt from Trust	
08-11-97	Note:	FILED: MINUTE ENTRY-INFORMAL SUPERVISION TO CONTINUE THROUGH	
08-11-97	Note:	APPD IN UTAH	
09-25-97	Fine	Payment Received:	10.00
	Note:	FINE PAYMENT	
09-25-97	Note:	FINE PAYMENT	
12-15-97	Filed:	progress/violation report - signed and approved	
01-30-98	Attorney Fees	Payment Received:	50.00
	Note:	Mail Payment	
02-27-98	Fine	Payment Received:	50.00
	Note:	Mail Payment	
02-27-98	Fine	Payment Reversal:	-50.00

02-27-98 Fine Payment Received: 15.00
Note: Mail Payment
02-27-98 Attorney Fees Payment Received: 35.00
03-26-98 Fine Payment Received: 50.00
04-30-98 Fine Payment Received: 50.00
Note: Mail Payment
06-11-98 Attorney Fees Check # 5280 Trust Payout: 85.00
09-25-98 Filed: Letter to DSY asking for a reference letter (from def
Christi Keele aka Herrera)
05-13-99 Filed: Letter from defendant. Per DSY- set for OSC hearing re
restitution
05-20-99 Notice - NOTICE for Case 951901411 ID 342498
COURT'S ORDER TO SHOW CAUSE is scheduled.
Date: 06/11/1999
Time: 08:30 a.m.
Location: Third Floor - S35
Third District Court
450 South State
SLC, UT 84111-1860
Before Judge: DAVID S. YOUNG

This matter is scheduled at the direction of the Court for order to
show cause re status of restitution payments re defendant's motion
for review.

05-20-99 COURT'S ORDER TO SHOW CAUSE scheduled on June 11, 1999 at 08:30
AM in Third Floor - S35 with Judge YOUNG.

06-11-99 Minute Entry - Minutes for ORDER

Judge: DAVID S. YOUNG
PRESENT
Clerk: taunah
Prosecutor: MERCER, STEPHEN
Defendant
Defendant pro se
Agency: Adult Probation & Parole

Video

Tape Number: 061199 Tape Count: 9:51-9:01

HEARING

Defendant motions that restitution be returned from collections
and be monitored by AP&P. She states she is currently paying
\$50.00 a month towards restitution and payments are current.
Further she states that the Court
previously ordered that the restitution be paid before the Court
fines are paid.

The Court grants defendant's motion and orders restitution be
returned from collections to AP&P to monitor collection of

The defendant is ordered to pay the restitution before paying the balance of the Court fine.

06-14-99 Filed order: Order

Judge dyoung

Signed June 14, 1999

07-20-99 Minute Entry - Minutes for MINUTE ENTRY-ORDER

Judge: DAVID S. YOUNG

Clerk: uman

HEARING

After further examination, the Court is unable to retake supervision of further fine payments. Supervision will remain with GC services.

This signed minute entry shall serve as the Order of the Court. C.C.to Counsel.

07-20-99 Filed order: Order (supervision will remain with GC Services)

Judge dyoung

Signed July 20, 1999

01-30-02 Note: Case sent to State Debt Collection

01-30-02 Judgment #1 Entered

Creditor: STATE OF UTAH

Debtor: CHRISTI EVERETTE KEELE

821.25 Fine

821.25 Judgment Grand Total

06-29-04 Filed: Motion to Terminate Restitution

07-21-04 Filed: STATE'S RESPONSE TO DEFENDANTS MOTION TO TERMINATE

RESTITUTION

07-26-04 Judge HIMONAS assigned.

07-26-04 Notice - NOTICE for Case 951901411 ID 6009573

MOTION HEARING is scheduled.

Date: 08/16/2004

Time: 08:30 a.m.

Location: Third Floor - W35

THIRD DISTRICT COURT

450 SOUTH STATE

SLC, UT 84114-1860

Before Judge: DENO HIMONAS

Defendant's motion to teminate restitution is set for hearing.

07-26-04 MOTION HEARING scheduled on August 16, 2004 at 08:30 AM in

Third Floor - W35 with Judge HIMONAS.

08-16-04 LAW AND MOTION scheduled on October 18, 2004 at 08:30 AM in

Third Floor - W35 with Judge HIMONAS.

08-16-04 Minute Entry - Minutes for Law and Motion

Judge: DENO HIMONAS

PRESENT

Defendant's Attorney(s): DELLAPIANA, RALPH

Video

Tape Number: video Tape Count: 1007

HEARING

TAPE: video COUNT: 1007

On record the Defense would like to provide information that the court still has jurisdiction over the case.

LAW AND MOTION.

Date: 10/18/2004

Time: 08:30 a.m.

Location: Third Floor - W35

THIRD DISTRICT COURT

450 SOUTH STATE

SLC, UT 84114-1860

Before Judge: DENO HIMONAS

09-10-04 Filed: Amended Motion to Terminate Restitution

10-13-04 Filed: Transcript of hearing dated 1-11-1995, Gayle B. Campbell, Court Reporter

10-18-04 Minute Entry - Minutes for MOTION HEARING

Judge: DENO HIMONAS

PRESENT

Clerk: marcyt

Prosecutor: COLLINS, CHOU CHOU

Defendant

Defendant's Attorney(s): DELLAPIANA, RALPH

Video

Tape Number: 12:01

HEARING

The above-entitled case comes before the Court for hearing on defendant's motion to terminate restitution. The Court hears argument from respective counsel and sets this matter for an evidentiary hearing on December 6, 2004 at 1:30 p.m.

RESTITUTION HEARING is scheduled.

Date: 12/06/2004

Time: 01:30 p.m.

Location: Third Floor - W35

THIRD DISTRICT COURT

450 SOUTH STATE

SLC, UT 84114-1860

Before Judge: DENO HIMONAS

Printed: 08/11/05 07:44:57

Page 10

CASE NUMBER 951901411 State Felony

10-18-04 RESTITUTION HEARING scheduled on December 06, 2004 at 01:30 PM in Third Floor - W35 with Judge KENNEDY.

11-01-04 Judge KENNEDY assigned.

12-06-04 RESTITUTION HEARING scheduled on January 26, 2005 at 08:30 AM

in Third Floor - W35 with Judge KENNEDY.
12-06-04 Minute Entry - Minutes for Restitution Hearing
Judge: JOHN PAUL KENNEDY
PRESENT
Clerk: marcyt
Prosecutor: UPDEGROVE, KENNETH R
Defendant
Defendant's Attorney(s): DELLAPIANA, RALPH

Video
Tape Number: 2:30

HEARING

The above-entitled case comes before the Court for hearing on restitution. Based on discussions, this matter is continued to January 26, 2005 at 8:30 a.m. Counsel shall obtain records from APPD and State Debt prior to that hearing.
RESTITUTION HEARING.

Date: 01/26/2005
Time: 08:30 a.m.
Location: Third Floor - W35
THIRD DISTRICT COURT
450 SOUTH STATE
SLC, UT 84114-1860

Before Judge: JOHN PAUL KENNEDY

01-12-05 Fee Account created Total Due: 15.00
01-12-05 VIDEO TAPE COPY Payment Received: 15.00
01-26-05 REVIEW HEARING scheduled on July 18, 2005 at 10:00 AM in Fourth Floor - W47 with Judge HENRIOD.
01-26-05 Minute Entry - Minutes for Restitution Hearing
Judge: JOHN PAUL KENNEDY
PRESENT
Clerk: marcyt
Prosecutor: UPDEGROVE, KENNETH R
Defendant
Defendant's Attorney(s): DELLAPIANA, RALPH

Video
Tape Number: 8:43

HEARING

TAPE: 8:43 The above-entitled case comes before the Court for restitution hearing. The Court hears opening statements from

respective counsel.

TAPE: 8:57 The State calls Glade Anderson who is sworn and examined.

TAPE: 9:10 Robert Johnson is sworn and examined.

TAPE: 9:21 The State rests. Defendant calls Christi Keele who is sworn and examined.

TAPE: 9:50 Defendant rests. Both sides rest. The Court hears argument from respective counsel. Based on the evidence and argument of counsel, the Court finds as of February 1999, defendant owed \$16,014.14. The Court credits \$4630 for amounts paid.

Accordingly, defendant is ordered to pay \$11384.14 plus the fine, however the Court will cancel the fine. Defendant is ordered to pay recoupment. If defendant pays at least \$100 per month, she will not have to pay interest on the principal amount. If she pays less, defendant will pay interest. The Courts orders APPD to monitor the payments, but the payments will go to State Debt. Mr. Updegrove is instructed to prepare an order consistent with the Court's ruling.

This matter is set for further review on July 18, 2005 at 10:00 a.m.

REVIEW HEARING is scheduled.

Date: 07/18/2005

Time: 10:00 a.m.

Location: Third Floor - W35

THIRD DISTRICT COURT

450 SOUTH STATE

SLC, UT 84114-1860

Before Judge: JOHN PAUL KENNEDY

01-26-05 Filed: Exhibits

01-26-05 Filed: Exhibit List

01-31-05 Judge HENRIOD assigned.

02-07-05 Filed order: Findings of Fact and Conclusion of Law on Defendant's Motion to Terminate Restitution

Judge shenriod

Signed February 07, 2005

02-07-05 Filed order: Order on Defendant's Motion to Terminate Restitution

Judge shenriod

Signed February 07, 2005

02-10-05 Note: **Copy of minutes entry regarding restitution sent to AP&P.

02-14-05 Filed: Notice of Appeal

Printed: 08/11/05 07:44:59

Page 12

CASE NUMBER 951901411 State Felony

02-14-05 Filed: Designation of Record, Certificate, Request for Transcript

02-15-05 Note: Forwarded Cert/Copies of Notice of Appeal, Designation of Record, Certificate, Request for Transcript to Court of Appeals

02-17-05 Fee Account created Total Due: 15.00

02-17-05 VIDEO TAPE COPY Payment Received: 15.00

02-18-05 Filed: Letter from Court of Appeals - Noa received, Court of Appeals No. 20050154-ca
03-07-05 Filed: Transcript of restitution hearing dated 1-26-05, Beverly Lowe, CCT
03-07-05 Filed: Notice of Filing Transcript of restitution hearing dated 1-26-05, Beverly Lowe, CCT
03-14-05 Note: Cert/Copy of Index Forwarded to Court of Appeals
03-14-05 Note: Cert/Copy of Judgment, Sentence, Commitment forwarded to Court of Appeals
03-14-05 Note: Record Forwarded to Court of Appeals - 20050154-Ca - File - 1, Tran - 2, Exhibits - 1 manilla envelope
07-18-05 Minute Entry - Minutes for Review Hearing
Judge: STEPHEN L HENRIOD
PRESENT
Clerk: lynm
Prosecutor: PLATT, CHAD L
Defendant not present
Defendant's Attorney(s): DELLAPIANA, RALPH

Audio

Tape Number: 18b Tape Count: 1119

HEARING

TAPE: 18b COUNT: 1119

On record the defendant was not present. The defendant is ordered to continue paying. Adult Probation and Parole is released from monitoring and their interest is closed. A review date was set for December 5, 2005 @ 10:00 a.m.

REVIEW HEARING.

Date: 12/05/2005

Time: 10:00 a.m.

Location: Fourth Floor - W47

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SLC, UT 84114-1860

Before Judge: STEPHEN L HENRIOD

07-18-05 REVIEW HEARING scheduled on December 05, 2005 at 10:00 AM in Fourth Floor - W47 with Judge HENRIOD.

07-18-05 Note: REVIEW HEARING minutes modified.

Addendum C

3RD DISTRICT COURT - SALT LAKE
SALT LAKE COUNTY, STATE OF UTAH

STATE OF UTAH vs. CHRISTI E KEELE

CASE NUMBER 951901412 State Felony

CHARGES

Charge 1 - 76-6-501 - FORGERY
3rd Degree Felony Plea: August 07, 1995 Not Guilty
Disposition: October 30, 1995 Dismissed
Charge 2 - 76-6-408 - THEFT BY RECEIVING STOLEN PROPERTY
Class B Misdemeanor Plea: August 07, 1995 Not Guilty
Disposition: October 30, 1995 Dismissed

CURRENT ASSIGNED JUDGE
DAVID S YOUNG

PARTIES

Defendant - CHRISTI E KEELE
Represented by: PAUL C QUINLAN

Plaintiff - STATE OF UTAH
Represented by: KENNETH R UPDEGROVE

DEFENDANT INFORMATION

Defendant Name: CHRISTI E KEELE
Offense tracking number: 7519184
Date of Birth: May 24, 1957
Law Enforcement Agency: WEST VALLEY POLICE
LEA Case Number: 95-26475
Prosecuting Agency: SALT LAKE COUNTY
Violation Date: May 18, 1995

ACCOUNT SUMMARY

CASE NOTE

PROCEEDINGS

08-01-95 Information filed
08-01-95 Judge YOUNG assigned.
08-01-95 Note: Case filed from Circuit Court bindover.
08-01-95 Note: ARR scheduled for 8/ 7/95 at 8:30 A in room K
with DSY
08-07-95 Arraignment scheduled on August 07, 1995 at 08:30 AM with Judge
YOUNG.

CASE NUMBER 951901412 State Felony

08-07-95 DISPOSITION HEARING scheduled on August 28, 1995 at 08:30 AM
with Judge YOUNG.

08-07-95 Note: Fel Arraignment JUDGE: DAVID S. YOUNG

08-07-95 Note: ATD: QUINLAN, PAUL C. ATP: HAMP, RICHARD

08-07-95 Note: Deft is present

08-07-95 Note: DSP scheduled for 08/28/95 at 0830 A in room K
with DSY

08-07-95 Note: CUSTODY: Bail Continued

08-07-95 Note: Chrg: 76-6-501 Plea: Not Guilty

08-07-95 Note: Chrg: 76-6-408 Plea: Not Guilty

08-07-95 Note: FILED: MINUTE ENTRY (ARR) DEFT PLED N/G. DISPOSITION SET
FOR

08-07-95 Note: 8-28-95 @ 8:30 A.M.

08-28-95 Warrant ordered on: August 28, 1995 Warrant Num: 952000991 No
Bail

08-28-95 Warrant issued on: August 28, 1995 Warrant Num: 952000991 No
Bail

Judge: DAVID S YOUNG

Issue reason: Failure to Appear.

08-28-95 Note: Hearing: JUDGE: DAVID S. YOUNG

08-28-95 Note: Deft not present

08-28-95 Note: ATD: MACK, DAVID ATP: COPE, JAMES

08-28-95 Note: FILED: MINUTE ENTRY (DISP HRG) BASED ON THE
NON-APPEARANCE OF

08-28-95 Note: THE DEFT, COURT ORDERS A NO-BAIL B/W TO ISSUE
RETURNABLE

08-28-95 Note: FORTHWITH.

08-28-95 Note: Warrant ordered

08-28-95 Note: BENCH WARRANT issued - JUDGE DSY

08-28-95 Note: Failure to appear for hearing.

08-28-95 Note: No bail ordered

09-15-95 DISPOSITION HEARING scheduled on September 25, 1995 at 08:30 AM
with Judge YOUNG.

09-21-95 Warrant recalled on: September 21, 1995 Warrant num: 952000991
Recall reason: Warrant recalled because defendant was
booked.

09-25-95 Warrant ordered on: September 25, 1995 Warrant Num: 952001094
No Bail

09-25-95 Warrant issued on: September 25, 1995 Warrant Num: 952001094 No
Bail

Judge: DAVID S YOUNG

Issue reason: Failure to Appear.

09-25-95 Note: Hearing (DISPOSITION HEARING): JUDGE: DAVID S. YOUNG

09-25-95 Note: Deft not present

09-25-95 Note: ATD: QUINLAN, PAUL C. ATP: UPDEGROVE,
KENNETH R

09-25-95 Note: FILED: MINUTE ENTRY (DSP HRG) BASED ON NON-APPEARANCE OF
DEFT

09-25-95 Note: COURT ORDERS A NO-BAIL B/W TO ISSUE RETURNABLE

FORTHWITH

09-25-95 Note: Warrant ordered
09-25-95 Note: BENCH WARRANT issued - JUDGE DSY
09-25-95 Note: Failure to appear for hearing.
09-25-95 Note: No bail ordered
10-18-95 Warrant recalled on: October 18, 1995 Warrant num: 952001094
Recall reason: Warrant recalled because defendant was
booked.
10-20-95 DISPOSITION HEARING scheduled on October 30, 1995 at 08:30 AM
in Third Floor - S35 with Judge YOUNG.
10-30-95 Note: Hearing (DISPOSITION HEARING): JUDGE: DAVID S. YOUNG
10-30-95 Note: Deft Present
10-30-95 Note: ATD: QUINLAN, PAUL C. ATP: UPDEGROVE,
KENNETH R
10-30-95 Note: FILED: MINUTE ENTRY (DSP) THE CASE IS DISMISSED BASED ON
DEFT'S
10-30-95 Note: PLEA OF GUILTY IN CASE #951901411. DEFT RELEASED
FROM
10-30-95 Note: JAIL REGARDING THIS CASE
10-30-95 Note: Entered case disposition of: Closed
10-30-95 Note: Chrg: 76-6-501 Find: Dismissed
10-30-95 Note: Chrg: 76-6-408 Find: Dismissed

Addendum D

3RD DISTRICT COURT - SALT LAKE
SALT LAKE COUNTY, STATE OF UTAH

STATE OF UTAH vs. CHRISTI E KEELE

CASE NUMBER 951901413 State Felony

CHARGES

Charge 1 - 58-37-8.12 - POSSESSION OF A CONTROLLED SUBSTANCE
Attributes: Drug Schedule 2.
3rd Degree Felony Plea: August 07, 1995 Not Guilty
Disposition: October 30, 1995 Dismissed
Charge 2 - 58-37A-5 - POSSESSION OF DRUG PARAPHERNALIA
Class B Misdemeanor Plea: August 07, 1995 Not Guilty
Disposition: October 30, 1995 Dismissed

CURRENT ASSIGNED JUDGE
DAVID S YOUNG

PARTIES

Defendant - CHRISTI E KEELE
SLC, UT 84117
Represented by: PAUL C QUINLAN

Plaintiff - STATE OF UTAH
Represented by: KENNETH R UPDEGROVE

DEFENDANT INFORMATION

Defendant Name: CHRISTI E KEELE
Offense tracking number:
Date of Birth: May 24, 1957
Law Enforcement Agency: COUNTY SHERIFF
LEA Case Number: 94-142365
Prosecuting Agency: SALT LAKE COUNTY
Violation Date: October 22, 1994

ACCOUNT SUMMARY

CASE NOTE

PROCEEDINGS

08-01-95 Information filed
08-01-95 Judge YOUNG assigned.
08-01-95 Note: Case filed from Circuit Court bindover.
08-01-95 Note: ARR scheduled for 8/ 7/95 at 8:30 A in room K
with DSY

CASE NUMBER 951901413 State Felony

08-07-95 Arraignment scheduled on August 07, 1995 at 08:30 AM with Judge YOUNG.

08-07-95 DISPOSITION HEARING scheduled on August 28, 1995 at 08:30 AM with Judge YOUNG.

08-07-95 Note: Fel Arraignment JUDGE: DAVID S. YOUNG

08-07-95 Note: ATD: QUINLAN, PAUL C. ATP: HAMP, RICHARD

08-07-95 Note: Deft is present

08-07-95 Note: DSP scheduled for 08/28/95 at 0830 A in room K with DSY

08-07-95 Note: Chrg: 58-37-8.12 Plea: Not Guilty

08-07-95 Note: Chrg: 58-37A-5 Plea: Not Guilty

08-07-95 Note: FILED: MINUTE ENTRY (ARR) DEFT PLED N/G. DISPOSTION SET FOR

08-07-95 Note: 8-28-95 @ 8:30 A.M.

08-28-95 Warrant ordered on: August 28, 1995 Warrant Num: 952000992 No Bail

08-28-95 Warrant issued on: August 28, 1995 Warrant Num: 952000992 No Bail

Judge: DAVID S YOUNG

Issue reason: Failure to Appear.

08-28-95 Note: Hearing:. JUDGE: DAVID S. YOUNG

08-28-95 Note: Deft not present

08-28-95 Note: ATD: MACK, DAVID ATP: COPE, JAMES

08-28-95 Note: FILED: MINUTE ENTRY (DISP HRG) BASED ON THE NON-APPEARANCE OF

08-28-95 Note: THE DEFT, COURT ORDERS A NO-BAIL B/W TO ISSUE RETURNABLE

08-28-95 Note: FORTHWITH.

08-28-95 Note: Warrant ordered

08-28-95 Note: BENCH WARRANT issued - JUDGE DSY

08-28-95 Note: Failure to appear for hearing.

08-28-95 Note: No bail ordered

09-15-95 DISPOSITION HEARING scheduled on September 25, 1995 at 08:30 AM with Judge YOUNG.

09-21-95 Warrant recalled on: September 21, 1995 Warrant num: 952000992
Recall reason: Warrant recalled because defendant was booked.

09-25-95 Warrant ordered on: September 25, 1995 Warrant Num: 952001095 No Bail

09-25-95 Warrant issued on: September 25, 1995 Warrant Num: 952001095 No Bail

Judge: DAVID S YOUNG

Issue reason: Failure to Appear.

09-25-95 Note: Hearing (DISPOSITION HEARING): JUDGE: DAVID S. YOUNG

09-25-95 Note: Deft not present

09-25-95 Note: ATD: QUINLAN, PAUL C. ATP: BOYDEN, ANNE

09-25-95 Note: FILED: MINUTE ENTRY (DSP HRG) BASED ON NON-APPEARANCE OF DEFT

09-25-95 Note: COURT ORDERS A NO-BAIL B/W TO ISSUE RETURNABLE

FORTHWITH

09-25-95 Note: Warrant ordered
09-25-95 Note: BENCH WARRANT issued - JUDGE DSY
09-25-95 Note: Failure to appear for hearing.
09-25-95 Note: No bail ordered
10-18-95 Warrant recalled on: October 18, 1995 Warrant num: 952001095
Recall reason: Warrant recalled because defendant was
booked.
10-20-95 DISPOSITION HEARING scheduled on October 30, 1995 at 08:30 AM
in Third Floor - S35 with Judge YOUNG.
10-30-95 Note: Hearing (DISPOSITION HEARING): JUDGE: DAVID S. YOUNG
10-30-95 Note: Deft not present
10-30-95 Note: ATD: QUINLAN, PAUL C. ATP: BOYDEN, ANN
10-30-95 Note: FILED: MINUTE ENTRY (DSP) THE CASE IS DISMISSED BASED ON
DEFT'S
10-30-95 Note: PLEA OF GUILTY IN CASE #951901411. DEFT RELEASED
FROM
10-30-95 Note: JAIL REGARDING THIS CASE
10-30-95 Note: Chrg: 58-37-8.12 Find: Dismissed
10-30-95 Note: Chrg: 58-37A-5 Find: Dismissed
10-30-95 Note: Entered case disposition of: Closed